



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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### MINUTES

### STATE BUILDING CODE COUNCIL CONFERENCE CALL

**Date:** April 9, 2010

**Monitor Location:** 5<sup>th</sup> Floor, Raad Building, Olympia

**Council Members Present:** Kristyn Clayton, Vice Chair; Rod Bault; Rep. Bruce Dammeier; Mari Hamasaki; Angie Homola; Robert Koch; Dave Kokot; Mark Kulaas; Jerry Mueller; David Peden; Tien Peng; David DeWitte; Dale Wentworth

**Council Members Absent:** John Cochran

**Visitors Present:** Joe Andre, Garrett Huffman, Eric Lohnes, Paul O'Connor, Kraig Stevenson

**Staff Present:** Tim Nogler, Sandra Adix, Krista Braaksma, Joanne McCaughan

### CALL TO ORDER

The meeting was called to order by Council Vice Chair, Kristyn Clayton, at 10:00 a.m. Everyone was welcomed and introductions were made.

The agenda was approved as written. The minutes of the February 12, 2010, meeting were approved with the following modification: Krista noted the IAMPO code reference on page two was missing the word "Plumbing". Kristyn commented that approval of the minutes was tabled at the previous meeting due to concerns from Angie Homola on the accuracy of a quote presented as testimony at the February meeting. Kristyn stated that the minutes are an accurate representation of what Mr. Winslow said; however, the intent was not accurate and the quote itself was taken out of context. Kristyn clarified she understood the question put to her by JARRC was, was this report produced by "theoretical" people, or by "boots on the ground" people. She replied they were "theoretical", interpreting that "boots on the ground" people referred to someone such as a construction estimator, while "theoretical" referred to a research firm, which is what had actually produced the report relying on industry data and good sources. She further clarified that when the people who produced the report explained where their data came from, because that did raise a question, they were satisfied. What everyone else also has to realize

is the report does do a projection of energy use, and that in itself is a theoretical exercise. The quote from Mr. Winslow was taken out of context, and Kristyn did not respond to it at the time.

Ray asked if Dave Kokot also had a modification to the February 12 minutes. Dave and Tim stated those concerns had been addressed at the March meeting and appear in the March 12 minutes.

Approval of the March 12 minutes was tabled until the tapes of the meeting can be reviewed to verify the statement quoted by Kraig Stevenson on page 2, regarding the ICC code change process. Kristyn did not believe this was a direct quote of what she said and would like the quote marks removed. Sandra noted the quote is from the February 12 minutes and is reflected in the approval of those minutes. She noted the Council may need to retract that approval.

Tim noted staff will review the tape prior to the next meeting.

#### **PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA**

None presented.

#### **COMMITTEE REPORTS**

##### **Building, Fire and Plumbing Codes Committee**

Ray Allshouse reported that a meeting was held on April 2 in Shoreline. They reviewed two proposals for the IBC, 10 proposals for the IRC, and 1 for UFC and 4 for the UPC. The Committee is recommending to the Council that each of these proposals be forwarded to the appropriate technical advisory group for review. He stated there may be a couple of items the Council may want to consider for emergency action, but will look to the TAG for that recommendation. There are also some that could be forwarded to the ICC as amendments to the model code.

Tim noted the Committee also discussed the issue of the TAG makeup, which will be addressed today under Item 7.

##### **Motion #1:**

**Ray Allshouse moved to forward the proposals to the Technical Advisory Groups as recommended by the Building, Fire and Plumbing Codes Committee. Bob Koch seconded the motion. The motion carried unanimously.**

##### **Mechanical, Ventilation and Energy Codes Committee**

Mari Hamasaki reported the Committee met yesterday. The first item heard was a presentation by Chuck Murray on the Energy Code Strategic Plan. Based on the update the Committee, they will be entertaining public comment on the draft proposal for the strategic plan at their next meeting. Chuck also agreed to provide at that meeting specific information on the Council's role. Those items will be included in the mailing for the meeting.

The other item discussed was the three code change proposals. The Committee is recommending that IMC 1 be sent to the Mechanical TAG for review, IMC2 to the Residential TAG, and WSEC1 to the Energy Code TAG.

Mari noted the next MVE Committee meeting will be May 13 at 9 a.m.

Tim noted there was significant discussion at the meeting regarding the Council's role and participation. One of the items was to have a period provided for public comment on the early stages of the strategic plan. Accordingly, the Committee designated the May 13 meeting as an opportunity for public comment on the Energy Efficiency Strategy Plan being developed through the Department of Commerce.

Angie noted part of the public outreach would include a place on the website for upcoming meeting and other information. Kristyn stated that the Committee voted to have the Council website serve as a link for the information, working with the Department of Commerce. Mari noted Chuck also had tentative agendas for the upcoming workgroup meetings and webinars.

#### **Motion #2:**

**Mari Hamasaki moved that the proposals be forwarded to the Technical Advisory Groups as recommended by the Committee. Jerry Mueller seconded the motion. The motion carried unanimously.**

#### **2010 CODE PROPOSALS**

Kristyn noted that with the receipt of the code change proposals, the Council needs to move forward on filing the CR101 forms. Tim noted that this will open the rulemaking process and allow the Council to hold public hearings on any of the proposed rules.

#### **Motion #3:**

**Ray Allshouse moved that the Council formally enter into rulemaking and direct staff to file the appropriate forms. Dave Kokot seconded the motion. The motion carried unanimously.**

#### **REVIEW OF TAG PROCEDURES**

Kristyn noted that with the previous motions there was a need to convene TAG and have a report from them at the June meeting. The Executive Committee is going through the process of revising the code review and TAG policy. She recommends reconvening the 2009 TAGs to review the proposals, rather than soliciting new members. Tim agreed, stating it would be most expedient to reconvene the TAGs so they can complete their work in the next four to six weeks. Tim noted the recommendation is that the IRC and Energy TAG meet together to review IRC9. He recommended the same group review WSEC1.

Tim stated there was currently no chair of the Fire Code TAG. Tim asked Dave Kokot if he was willing to serve as chair. Dave agreed, and Kristyn appointed him to that position.

Kristyn asked the TAG chairs to work with staff to schedule meetings.

Kristyn noted that there will be an executive meeting on April 15 to discuss the code change/TAG procedures. She encouraged those that were interested to attend.

## **STAFF REPORT**

Tim noted that a new secretary senior would be starting on May 1, transferring from the Safe and Drug Free program within the Community Services division of Commerce. Her name is Peggy Bryden and she will be attending the next meeting.

Tim also noted that staff is in the process of moving to General Administration. He and John Cochran will be meeting with the Director next week. Staff is working with the facilities people in both agencies to address the various issues surrounding the move. The physical move will happen July 1.

## **OTHER BUSINESS**

Tim stated he wanted to touch on electric vehicle issue. Ray Allshouse is representing the Council on Puget Sound Regional Council's technical advisory committee on the topic. Ray reported that the group has about 15 members. Thus far, they've established some ground rules and looked at legislation. The Group will be evaluating and developing something that can be used as model ordinance language for jurisdictions to use as support for electric vehicles. Ray will continue to make periodic reports as they meet. Tim noted that the assessment when the Council originally looked at the legislation was that there wouldn't be any council action necessary. In the future the Council may want to address something.

Angie asked if this would permit golf cart use. Ray said that was something that may be considered; at any rate it is something that will need to be addressed. It will depend on what the final definitions are and how the rules apply.

Ray stated he and John Cochran have requested to attend the ICC Final Action Hearings in Dallas. Ray will not attend the entire hearing, but will be there for approximately five days. He asked for Council support, and permission to speak on behalf of the Council if there are issues that come to the floor related to a state amendment.

Representative Dammeier asked if out of state travel was necessary. Ray stated that you cannot vote unless you are physically at the hearings. Tim stated that although there is a travel freeze at the moment, the paperwork is now going through the exemption process and has gone to OFM and the Governor's office for review. Our justification is this is Washington State's only opportunity to testify and vote on the 2012 building codes. Tim stated the Council, as governmental members of ICC, can send up to 12 delegates to vote at the hearings. He reiterated that attendance was the only way, and only opportunity, for the Council's voice to be heard and influence the 2012 building codes. In the past they have approved travel for this type of event during a freeze.

Kristyn asked for a vote of confidence that Ray and John can represent the Council at the hearings. Sandra stated she felt it was a good idea for the Council to delegate to Ray and John the ability to speak on behalf of the Council through testimony and the voting process at the ICC hearings.

**Motion #4:**

**Ray Allshouse moved that he and John Cochran be delegated as spokesmen for the Council at the May 2010 ICC hearings. The motion was seconded by Jerry Mueller.**

Angie noted that occasionally there are necessary events that occur in only one location, and it can be tough to accomplish when there are policies dictating no out of state travel. She is encouraged that there is a process to approve exceptions.

Representative Dammeier encouraged the Council to push the issue, and ask ICC to develop a method for participation without necessitating physical attendance. Dave Kokot stated that ICC is in the process of revising their process to make it easier and more cost efficient. Ray noted this has been an issue for a long time. One of the challenges at ICC is that at the final action hearings, there is a lot of testimony provided, and there is concern that if there is a means to vote remotely, people will not follow the testimony and understand the full intent and consequences of changes. You could have a very large number of people voting without regard to those issues. He also noted there is no charge to attend the hearings. Kristyn felt it is important for the Council to participate in the process, and to actually increase participation, especially if we adopt further codes.

**The question was called for. The motion carried unanimously.**

Angie expressed her appreciation for being able to participate in these meetings via conference calls.

Tim stated the codes going into effect July 1 are on the websites in the WAC form. He noted there are a couple of issues that have arisen relate to licensed care. DOH and the State Fire Marshal have their own sets of rules that we've worked hard to coordinate with. He said the Council may need to take a look and maybe have a special workgroup during this cycle to look at how those rules interface with the building code.

There being no further business, the meeting was adjourned at 11:10 a.m.